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10/586,733	07/21/2006	Atsushi Matsutani	293205US8PCT	5995
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Application No. Applicant(s) 10/586,733 MATSUTANI, ATSUSHI Office Action Summary Examiner Art Unit ANGELICA PEREZ 2618 -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 07/12/10. 2a) ☐ This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-25 is/are pending in the application. Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) _____ is/are allowed. 6) ☐ Claim(s) 11-24 is/are rejected. 7) Claim(s) 25 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) biected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.

Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary (PTO-413) Paper No(s)Mail Date.	
Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	Notice of Informal Patent Application Other:	
J.S. Patent and Trademark Office		-

Attachment(s)

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DETAILED ACTION

Specification

- Changes to claims containing the objected subject matter have been reviewed and accepted; therefore, objection to the specification has been withdrawn.
- Objection of claim 11, 14, 15, 16 and 22 has been withdrawn. The examiner has reviewed and agreed with the remarks dated 07/12/10.

Claim Rejections - 35 USC § 103

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be neadtived by the manner in which the invention was made.
- 4. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naomi, Misawa (Naomi, JP Pub. No.: 2002-208900 A) in view of Tsubokura, Atsushi (JP2000341593 A; hereinafter: Tsubokura) and further in view of (Connelly, Jay H., hereinafter Connelly).

Regarding claims 18 and 20, Naomi teaches of a method and a computer readable medium including computer executable instructions, where the instructions, when executed by a processor, cause the processor to perform a method comprising (paragraphs 15 and 25, where "data processing" of the method requires software for its execution and where software executes written computer programs. E.g., of computer programmed languages "Excel", HTML, SQL, etc.): storing broadcast contents information including the broadcasting time and date and the titles of the broadcast

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contents that will be broadcasted during a future time period by one or more broadcasting stations in a storage medium (Paragraphs 15-17; where SQL database computer language allows the storing/retrieval/management of data in a searchable format, at least, according to "track name" corresponding to "title"; thus, setting the search condition according to title); receiving search condition information to specify at least one of the title and the broadcasting station name of a broadcast program as a search condition from an external device (paragraphs 13 and 20, where the data is distributed according to user's request..."; "customer 13-15 place an order by HP (homepage) etc...": where a computer or "cellular telephone" are the apparatuses that comprise the HP utilized for the "request"); searching the storage medium for broadcast contents information corresponding to the search condition based on the search condition information received in the receiving; determining a number of times contents were broadcasted in the broadcast contents information that was obtained as the search result in the searching; and transmitting information based on said number of times contents were broadcasted for said broadcast contents detected in the determining to said external device (figure 4, where in columns 1 and 2, the number of times of the specific song requested/played shown in column 2, where it can be seen that the arrangement is done in a descending order; e.g., 113, 84, 71, 71, 68, 66 and 59 times: where the information is sent to the user's device).

Naomi does not explicitly teaches where broadcasting information comprises information such as "daily chart", "daily report"; where in order to present the chart for the day, it is necessary to have the titles of the songs that will be play during the day

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(future); this radio programming is similar to EPG, used in television; where lists of programs are present ahead of time. In addition, the examiner would like to introduce a new reference that explicitly teaches the program information that will be broadcasted in the future.

Tsubokura teaches where broadcasting information comprises information such as "daily chart", "daily report"; where in order to present the chart for the day, it is necessary to have the titles of the songs that will be play during the day (future); this radio programming is similar to EPG, used in television; where lists of programs are present ahead of time (abstract, second paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tsubokura's explicit teachings of future broadcast information with Naomi's method of storing broadcast information in order to ease the programming process for broadcasting that will take place at a future time.

Naomi and does not specifically teach of storing broadcast contents information including the broadcasting time and date and the titles of the broadcast contents that will be broadcasted during a future time period; determining a number of times contents will be broadcasted during a future time period; and transmitting information based on said number of times contents will be broadcasted during a future time period.

In related art concerning methods and apparatus for providing rating feedback for content in a broadcast system, Connelly teaches of storing broadcast contents information including the broadcasting time and date and the titles of the broadcast contents that will be broadcasted during a future time period (paragraphs 39 and 40,

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e.g., determining future broadcasting schedules); determining a number of times contents will be broadcasted during a future time period (paragraphs 39 and 40, where by seeing the schedule, the number of times content will be broadcasted can be determined/known); and transmitting information based on the number of times contents will be broadcasted during a future time period (paragraph 58, where the information corresponds to the schedules having programs with the highest rankings during prime times).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Connelly's explicit teachings of future broadcast information with Naomi's and Tsubokura's combined method of storing broadcast information in order to focus on relevant content for broadcasting that will take place at a future time.

 Claims 11-14, 17, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naomi in view of Tsubokura and Connelly further in view of Koichi, Nakamura (Koichi, JP 2002-344842).

Regarding claims 11 and 21, Naomi teaches of an apparatus comprising: a determining unit/means configured to determine if a condition relative to a predetermined time period is met (paragraph 6, means to store/accumulate data for one week, where the means determines the end of the period; e.g., "one week"); and a communication unit configured to transmit to a server a request for obtaining a number of times contents were broadcasted when the condition relative to the predetermined time period is met (paragraphs 13 and 20, where the data is distributed according to

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user's request..."; "customer 13-15 place an order by HP (homepage) etc..."; where a computer or "cellular telephone" are the apparatuses that comprise the HP utilized for the "request"), and to receive the number of times contents were broadcasted from the server as a response to the request (figure 4, where in columns 1 and 2, the number of times of the specific song requested/played shown in column 2, where it can be seen that the arrangement is done in a descending order; e.g., 113, 84, 71, 71, 68, 66 and 59 times).

Naomi does not explicitly teaches where broadcasting information comprises information such as "daily chart", "daily report"; where in order to present the chart for the day, it is necessary to have the titles of the songs that will be play during the day (future); this radio programming is similar to EPG, used in television; where lists of programs are present ahead of time. In addition, the examiner would like to introduce a new reference that explicitly teaches the program information that will be broadcasted in the future.

Tsubokura teaches where broadcasting information comprises information such as "daily chart", "daily report"; where in order to present the chart for the day, it is necessary to have the titles of the songs that will be play during the day (future); this radio programming is similar to EPG, used in television; where lists of programs are present ahead of time. In addition, the examiner would like to introduce a new reference that explicitly teaches the program information that will be broadcasted in the future (abstract, second paragraph).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tsubokura's explicit teachings of future broadcast information with Naomi's method of storing broadcast information in order to ease the programming process for broadcasting that will take place at a future time.

Naomi does not specifically teach of storing broadcast contents information including the broadcasting time and date and the titles of the broadcast contents that will be broadcasted during a future time period; determining a number of times contents will be broadcasted during a future time period; and transmitting information based on said number of times contents will be broadcasted during a future time period.

In related art concerning methods and apparatus for providing rating feedback for content in a broadcast system, Connelly teaches of storing broadcast contents information including the broadcasting time and date and the titles of the broadcast contents that will be broadcasted during a future time period (paragraphs 39 and 40, e.g., determining future broadcasting schedules); determining a number of times contents will be broadcasted during a future time period (paragraphs 39 and 40, where by seeing the schedule, the number of times content will be broadcasted can be determined/known); and transmitting information based on the number of times contents will be broadcasted during a future time period (paragraph 58, where the information corresponds to the schedules having programs with the highest rankings during prime times).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Connelly's explicit teachings of future broadcast

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information with Naomi's and Tsubokura's combined method of storing broadcast information in order to focus on relevant content for broadcasting that will take place at a future time.

Naomi, Tsubokura and Connelly do not specifically teach where the communication unit automatically transmits a request for obtaining the number of times contents were broadcasted.

In related art, Koichi teaches where the communication unit automatically transmits a request for obtaining the number of times contents were broadcasted (Abstract and Solution; where the user inputs the times required and where it is automatically displayed; where for the list to be displayed according to the use's input, the request has to be transmitted first).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Koichi's teachings of automatic display after a request with Naomi's, Tsubokura's and Connelly's combined method in order follow at least a search engine protocol where information request input by a user is automatically requested and where the information requested is provided according to the request input by the user.

Regarding claim 12, Naomi, Tsubokura, Connelly and Koichi teach all the limitations of claim 11. Naomi further teaches of a display processing unit configured to process data to be displayed on the display unit (paragraph 20, e.g., "display on a cellular phone"), the display processing unit configured to display the number of times contents will be broadcasted during a future time period on the display unit in a

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predetermined order (figure 4, where in columns 1 and 2, the number of times of the specific song requested/played shown in column 2, where it can be seen that the arrangement is done in a descending order; e.g., 113, 84, 71, 71, 68, 66 and 59 times).

Regarding claim 13. Naomi, Tsubokura, Connelly and Koichi teach all the limitations of claim 11. Naomi further teaches of a setting unit configured to set at least one of a broadcasting period, a title, and a broadcasting station as a search condition (paragraphs 15-17; where SQL database computer language allows the storing/retrieval/management of data in a searchable format, at least, according to "track name" corresponding to "title": thus, setting the search condition according to title), the communication unit configured to transmit the search condition to the server (paragraphs 13 and 20, where the data is distributed according to user's request..."; "customer 13-15 place an order by HP (homepage) etc..."; where a computer or "cellular telephone" are the apparatuses that comprise the HP utilized for the "request"), and the number of times contents will be broadcasted during a future time period is searched based on the search condition at the server and is received by the communication unit (figure 4, where in columns 1 and 2, the number of times of the specific song requested/played shown in column 2, where it can be seen that the arrangement is done in a descending order; e.g., 113, 84, 71, 71, 68, 66 and 59 times; where the information is sent to the user's device).

Regarding claim 14, Naomi, Tsubokura, Connelly and Koichi teach all the limitations of claim 11. Naomi further teaches where the predetermined time period can be changed by a user (paragraphs 18-19, "weekly report" and "can create and

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distribute...variations...according to a request...", respectively; paragraph 20, "customer place an order...", paragraph 16, "daily report"; where the reports are sent to the customer according to the request, thus changing the period).

Regarding claims 17 and 19. Naomi teaches of a method and a computer readable medium including computer executable instructions, where the instructions, when executed by a processor, cause the processor to perform a method comprising (paragraphs 15 and 25, where "data processing" of the method requires software for its execution and where software executes written computer programs. E.g., of computer programmed languages "Excel", HTML, SQL, etc.); transmitting request information to request broadcast contents information to a storage device configured to store broadcast contents information including the titles of the broadcast contents that will be broadcasted by one or more broadcasting stations (paragraphs 13, extraction and processing means...reads the broadcasting data stored in data server 11...and provides the data according to user's request. Where the user request broadcast content and where the request is communicated to the "data server" by intermediary "extraction and processing means". Paragraph 16, "track name" corresponding to "titles"); receiving the broadcast contents information transmitted from the storage device corresponding to the request information (paragraphs 19-20, where the information is distributed to and received by the users according to their request and where the data was transmitted from database 11 to the "extraction and processing means 10", then it is transmitted to the users that requested it through "internet wide area network 12", see figure 1, see also bidirectional (arrows) communication); and

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detecting a number of times contents were broadcasted included in the broadcast contents information received in the transmitting (figure 4 and paragraph 16, where "extraction...means" corresponds to "detection"; where in the art, detection is the extraction of information. Paragraph 18, where "Ranking the <u>number of times</u> of broadcast" corresponds to "the number of times" a specific song was played).

Naomi does not explicitly teach where broadcasting information comprises information such as "daily chart", "daily report"; where in order to present the chart for the day, it is necessary to have the titles of the songs that will be play during the day (future); this radio programming is similar to EPG, used in television; where lists of programs are present ahead of time. In addition, the examiner would like to introduce a new reference that explicitly teaches the program information that will be broadcasted in the future.

Tsubokura teaches where broadcasting information comprises information such as "daily chart", "daily report"; where in order to present the chart for the day, it is necessary to have the titles of the songs that will be play during the day (future); this radio programming is similar to EPG, used in television; where lists of programs are present ahead of time. In addition, the examiner would like to introduce a new reference that explicitly teaches the program information that will be broadcasted in the future (abstract, second paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tsubokura's explicit teachings of future broadcast

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information with Naomi's method of storing broadcast information in order to ease the programming process for broadcasting that will take place at a future time.

Naomi does not specifically teach of storing broadcast contents information including the broadcasting time and date and the titles of the broadcast contents that will be broadcasted during a future time period; determining a number of times contents will be broadcasted during a future time period; and transmitting information based on said number of times contents will be broadcasted during a future time period.

In related art concerning methods and apparatus for providing rating feedback for content in a broadcast system, Connelly teaches of storing broadcast contents information including the broadcasting time and date and the titles of the broadcast contents that will be broadcasted during a future time period (paragraphs 39 and 40, e.g., determining future broadcasting schedules); determining a number of times contents will be broadcasted during a future time period (paragraphs 39 and 40, where by seeing the schedule, the number of times content will be broadcasted can be determined/known); and transmitting information based on the number of times contents will be broadcasted during a future time period (paragraph 58, where the information corresponds to the schedules having programs with the highest rankings during prime times).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Connelly's explicit teachings of future broadcast information with Naomi's and Tsubokura's combined method of storing broadcast

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information in order to focus on relevant content for broadcasting that will take place at a future time.

Naomi, Tsubokura and Connelly do not explicitly teach where a request is done automatically once the user enters/provides the preferred conditions, the examiner would like to introduce Koichi to more explicitly teach where the communication unit automatically transmits a request for obtaining the number of times contents that will be broadcasted each time an amount of time equal to a predetermined time period elapses

Koichi more explicitly teach where the communication unit automatically transmits a request for obtaining the number of times contents that will be broadcasted... each time an amount of time equal to a predetermined time period elapses (Abstract and Solution; where the user inputs the times required and where it is automatically displayed; where for the list to be displayed according to the use's input, the request has to be transmitted first. In addition, it is inferred that once the predetermined period indicated by the user elapses, a new request is transmitted either for regular broadcasting information or for another request input by the user).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Koichi's teachings of automatic display after a request with Naomi's, Tsubokura's and Connelly combined method in order follow at least a search engine protocol where information request input by a user is automatically requested and where the information requested is provided according to the request input by the user. Each time an amount of time equal to a predetermined time period elasses.

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Regarding claim 23, Naomi, Tsubokura, Connelly and Koichi teach all the limitations of claim 11.

Naomi, Tsubokura, Connelly do not specifically teach where the determining unit determines the condition is met each time an amount of time equal to the predetermined time period elapses.

Koichi further teaches where the determining unit determines the condition is met each time an amount of time equal to the predetermined time period elapses (Abstract and Solution; it is inferred that once the predetermined period indicated by the user elapses, a new request is transmitted either for regular broadcasting information or for another request input by the user that corresponds to the condition).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Koichi's additional teachings regarding a time off with Naomi's, Tsubokura's, Connelly's and Koichi's combined method in order to allow other request to take place after a certain set period of time has expired.

Regarding claim 24, Naomi, Tsubokura and Koichi teach all the limitations of claim 16. Naomi teaches where the communication unit receives the request from the external device at one day time intervals (paragraph 19, where if the user the request to be provided weekly and monthly, thus it would be obvious to make a daily request).

6. Claims 15, 16 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikuo et al. (Ikuo, JP Pub. No.: 2002-342351) in view of Naomi and further in view of Tsubokura, and further in view of Connelly.

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Regarding claims 15 and 22, Ikuo teaches of a system comprising: a storage unit configured to store broadcast contents information including the broadcasting time or date, and titles of the broadcast contents (paragraphs 28, 51 and 58, where the "comprehensive broadcast database" stores the "time" and the "musical piece information" that includes the "title" of the musical piece); a communication unit configured to receive from an external device a request for obtaining a number of times contents were broadcasted and a search condition including at least one of a broadcasting period, a title, and a broadcasting station (paragraph 45, where the database "searches" according to what is requested (received request) and where the "search condition" can be information such as, title, date, frequency, etc.), the communication unit configured to transmit to the external device the information representing the number of times contents were broadcasted as a response to the request; and a controller configured to search the storage unit and to generate information representing the number of times contents were broadcasted based on the received search condition (paragraphs 44 and 54, "musical piece information" and where the information is provided to the "recording company", publishing company", "advertising agency" that sent a condition request).

Ikuo does not explicitly teach where the data is distributed according to user's request.

Naomi more explicitly teaches of a request (paragraphs 13 and 20, where the data is distributed according to user's request..."; "customer 13-15 place an order by HP

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(homepage) etc..."; where a computer or "cellular telephone" are the apparatuses that comprise the HP utilized for the "request").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Naomi's teachings of user's requesting the data with Ikuo's method in order to provide the information according to a user's preference.

Ikuo and Naomi do not explicitly teach where broadcasting information comprises information such as "daily chart", "daily report"; where in order to present the chart for the day, it is necessary to have the titles of the songs that will be play during the day (future); this radio programming is similar to EPG, used in television; where lists of programs are present ahead of time. In addition, the examiner would like to introduce a new reference that explicitly teaches the program information that will be broadcasted in the future.

Tsubokura teaches where broadcasting information comprises information such as "daily chart", "daily report"; where in order to present the chart for the day, it is necessary to have the titles of the songs that will be play during the day (future); this radio programming is similar to EPG, used in television; where lists of programs are present ahead of time. In addition, the examiner would like to introduce a new reference that explicitly teaches the program information that will be broadcasted in the future (abstract, second paragraph).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tsubokura's explicit teachings of future broadcast information with Ikuo's and Naomi's combined method of storing broadcast information

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in order to ease the programming process for broadcasting that will take place at a future time.

Ikuo, Naomi and Tsubokura do not specifically teach of storing broadcast contents information including the broadcasting time and date and the titles of the broadcast contents that will be broadcasted during a future time period; determining a number of times contents will be broadcasted during a future time period; and transmitting information based on said number of times contents will be broadcasted during a future time period.

In related art concerning methods and apparatus for providing rating feedback for content in a broadcast system, Connelly teaches of storing broadcast contents information including the broadcasting time and date and the titles of the broadcast contents that will be broadcasted during a future time period (paragraphs 39 and 40, e.g., determining future broadcasting schedules); determining a number of times contents will be broadcasted during a future time period (paragraphs 39 and 40, where by seeing the schedule, the number of times content will be broadcasted can be determined/known); and transmitting information based on the number of times contents will be broadcasted during a future time period (paragraph 58, where the information corresponds to the schedules having programs with the highest rankings during prime times).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Connelly's explicit teachings of future broadcast information with IKua's Naomi's and Tsubokura's combined method of storing

broadcast information in order to focus on relevant content for broadcasting that will take place at a future time.

Regarding claim 16, Ikuo, Naomi Tsubokura and Connelly teach all the limitation according to claim 15. Ikuo further teaches where the communication unit receives the request from the external device at predetermined time intervals (paragraph 51, "how many times the specific music piece was broadcast in the specific period).

Response to Arguments

 Applicant's arguments with respect to claims 11-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 571-272-7885. The examiner can normally be reached on 6:00 a.m. - 2:30 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on (571) 272-7882. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either the PAIR or Public PAIR. Status information for unpublished applications is available through the Private PAIR only. For more

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information about the pair system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.

/Angelica M. Perez/ Examiner, Art Unit 2618	/NAY A MAUNG/ Supervisory Patent Examiner, Art Unit 2618
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11/05/11